

Tucson Iron & Metal

Custom Incineration

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December 16, 2020

Ms. Roshni Brahmhatt
Manager Air Enforcement Office
Enforcement and Compliance Assurance Division
U.S. EPA Region 9 – Mail Code: ENF-2-1
75 Hawthorne Street
San Francisco, CA 94105-3901

Tucson Iron and Metal (TIM)
PDEQ Air Permit No. 127 / NSPS EEEE
EPA §114 Information Request Extension
Tucson, Pima County, Arizona

Dear Ms. Brahmhatt:

On December 11, 2020, U.S. EPA Region 9 submitted a request, pursuant to §114 of the federal Clean Air Act (CAA), to Tucson Iron & Metal (TIM) for information to be provided, within 30 days of the December 11 request, to be used by EPA to determine TIM's other solid waste incineration (OSWI) unit compliance status. TIM is requesting, by this sworn declaration, an extension of time to fully respond to the EPA request. TIM requests an extension of 45 additional calendar days from January 10 to February 25, 2021, to provide the information response to EPA Region 9 through this sworn declaration by myself, Gary Kippur, Vice President of TIM.

Before me, the undersigned authority, on this day personally appeared Gary Kippur, TIM Vice President, who, being duly sworn upon oath stated as follows:

"My name is Gary Kippur. I am of sound mind and capable of making the following sworn declaration. As Vice President of TIM I am personally acquainted with the following facts as herein stated, which are true:

I intend to have the information requested in the EPA §114 Request for Information, Appendix C, items 3, 4, 5, 7b, 7d, 9, 10, 11 and 12 within the original 30 calendar day deadline of Monday, January 11, 2021.

TIM requests extension of time to produce the following Appendix C items:

1. - the date for commencement of construction of the OSWI unit and supporting documents such as construction contracts, installation permits and/or operating permits;
2. - provide the date(s) of OSWI unit modification(s) and all supporting documents;
6. - from April 2019 to the present, for each instance when the CEMS was determined to be "Out of Control" following a RATA test provide:
 - a) each data and time TIM determined the CEMS to be Out of Control,
 - b) the corrective actions taken to address each Out of Control (OOC) condition and supporting documentation,
 - c) for each RATA resulting in excessive audit and showing the CEMS to be OOC, provide all required reports. that TIM submitted to PDEQ and/or EPA,

- d) for each subsequent audit that TIM performed following corrective action(s) provide the audit results,
 - e) written Quality Control (QC) procedures,
 - f) for each OOC condition occurring in any two consecutive quarters provide the revised QC procedures or state the dates(s) the CEMS were modified and/or replaced.
7. - in a December 11, 2019, PDEQ inspection report the Inspector recited that the OSWI unit Sorbent injection system was not in operation during the contraband burn and requested, as required by the March 26, 2018, PDEQ Permit #127, that TIM to take corrective action and he noted in his report that TIM personnel initiated no action to correct the lack of sorbent supply.
- a,i) - for the December 11, 2019 burn, state the corrective action taken by TIM personnel concerning the sorbent injection system, state the date and time sorbent was initially introduced into the OSWI unit system and provide all supporting documentation, and
 - a,ii) - if no corrective action was taken, explain why and provide the date and time sorbent was initially introduced into the OSWI unit system and provide all supporting documentation,
 - c. - during the inspection TIM personnel pointed out to the PDEQ Inspector several locations where the equipment experienced "previous storm damage." For each location of storm damage, provide the following information:
 - i) State the specific nature of any storm damage;
 - ii) State the location of any storm damage and provide equipment diagrams and photographs (if available) showing the location of any of the storm damage;
 - iii) State the date(s) that TIM first observed any of the storm damage;
 - iv) State the date(s) that TIM 1) initiated and 2) completed each of the repairs of any storm damage;
 - v) Provide all documentation related to the repairs of any of the storm damage including, but not limited to, purchase orders or maintenance orders; and\
 - vi) If any storm damage has not been repaired, provide the rationale why repair of the storm damage was not required for proper operation of the incinerator (e.g. cosmetic only).
8. - PDEQ issued TIM a Notice of Violation (NOV) dated July 22, 2020; provide:
- a. the comprehensive maintenance schedule of the OSWI unit during the operation of equipment and during downtime.
 - b. the maintenance and inspection records as specified in the procedures listed on page 6, Section E, of the January 2018 OSWI unit Operation and Maintenance Plan (see alleged violation 2 requested corrective action in the July 22, 2020 NOV).
 - c. provide the most recent OSWI Operation and Maintenance Plan.

As the TIM Responsible Official, I am requesting a 45 days extension for provision of the above itemized information for TIM because:

- 1) Caitlin Goldsmith, TIM's primary record-keeper for the TIM OSWI unit, is out of the office on COVID-related Family and Medical Leave Act (FMLA) through the end of 2020 and early 2021. Attempting to assemble documentation to EPA without her assistance may likely result in errors being made.
- 2) Already short-handed, TIM does not feel it will have enough time to get supporting documentation and written procedures together to correctly respond to the EPA §114 Information Request. TIM is a small business, with just a handful of office personnel.

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Mrs. Goldsmith, one of three office personnel who regularly deals with OSWI unit recordkeeping, is out until the beginning of the 2021.

- 3) TIM has an additional office staff member who tested positive for COVID-19 December 14, 2020, and the TIM office must absorb her daily duties, leaving TIM further short-handed. Also, a TIM site employee was recently hospitalized with COVID-19.
- 4) Remaining office staff has other duties for TIM related to the end of the year, such as filing Internal Revenue Service (IRS) W-2s and 1099s. These responsibilities must be completed within a specific deadline (no later than January 31) along with staffing TIM daily business responsibilities.
- 5) The other two TIM office staff are having to absorb Ms. Goldsmith's duties, plus some of the duties of the other staff member who is sick. Providing a response to the EPA Information Request on top of everything normal business activities and the already-heavier end of year load is overwhelming.

As a result, I anticipate the need for an additional 45 calendar days through February 25, 2021. If you have any questions or require additional information, please contact me at 520-884-1554.

Sincerely,



Gary Kippur, Vice President

Enclosure: EPA §114 Information Request, Attachment C

cc: Mr. Rupesh Patel, Air Permits Manager
Pima County Department of Environmental Quality
33 N. Stone Avenue, Suite 700
Tucson, Arizona 85701-1429

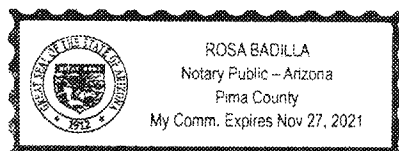
Irvin Bilsky, P.E.
Bilsky Environmental
P. O. Box 26044
Austin, Texas 78755
(512) 799-6048

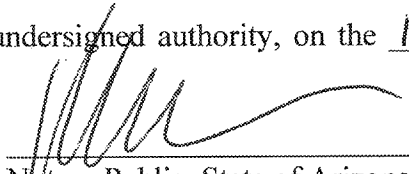
State of Arizona §

§

County of Pima §

SWORN TO and SUBSCRIBED before me, the undersigned authority, on the 16th day of December, 2020, by Gary Kippur.




Notary Public, State of Arizona

My Commission Expires: 11/27/21

Rosa Badilla

Printed Name

Appendix C

Information You Are Required to Submit to EPA

1. Provide the date for commencement of construction of the contraband incineration kiln and supporting documents such as construction contracts, installation permits, and/or operating permits.
2. If the contraband incineration kiln has been modified, provide the date(s) of the modification(s) and all supporting documents.
3. Provide the February 2005 Minor Permit Revision submitted to Pima County Department of Environmental Quality ("Pima County DEQ").
4. For each continuous emission monitoring systems ("CEMS") Relative Accuracy Test Audit ("RATA") conducted from February 2017 to the present, state the date(s) the RATA was conducted and provide the RATA final test report(s).
5. For each CEMS RATA that TIM initiated from April 2019 to the present but did not complete or for which a final report was not prepared, state the date(s) TIM initiated the RATA(s) and provide all documentation showing the results of each RATA.
6. From April 2019 to the present, for each instance when the CEMS have been determined to be "Out of Control" following a RATA test (see 40 C.F.R. Part 60, Appendix F, Procedure 1, Section 5.2), provide the following information:
 - a. Each date and time TIM determined the CEMS to be Out of Control (see 40 C.F.R. Part 60, Appendix F, Procedure 1, Section 5.2);
 - b. State the corrective actions taken to address each Out of Control condition and provide supporting documentation;
 - c. For each RATA resulting in excessive audit inaccuracy (see 40 C.F.R. Part 60, Appendix F, Procedure 1, Section 5.2.3) and showing the CEMS to be Out of Control, provide all the reports required by 40 C.F.R. Part 60, Appendix F, Procedure 1, Section 5.2. that TIM submitted to Pima County DEQ and/or EPA;
 - d. For each subsequent audit that TIM performed following corrective action(s), provide the audit results;
 - e. Written Quality Control ("QC") procedures as required by 40 C.F.R. Part 60, Appendix F, Procedure 1, Section 3; and
 - f. For each Out of Control condition occurring in any two successive quarters (see 40 C.F.R. Part 60, Appendix F, Procedure 1, Section 5.3), provide the revised QC procedures or state the date(s) the CEMS were modified and/or replaced.

7. On December 11, 2019, Pima County DEQ Inspector Rogers conducted an inspection at the TIM facility. Inspector Rogers noted the following items observed during the inspection in his inspection report:
- a. The sorbent injection system was not in operation during incineration activity at the time of the inspection, as required by Section 3, Condition 52.b and Attachment 4, condition V.B of Pima County DEQ Class I Permit issued on March 26, 2018. Although advised to take corrective action, TIM personnel initiated no action to correct the lack of sorbent supply.
 - i) For the December 11, 2019 incineration activity, state the corrective action(s) taken by TIM personnel concerning the sorbent injection system, state the date and time sorbent was initially introduced to the incineration air pollution control equipment, and provide all supporting documentation.
 - ii) If no corrective action was taken, explain why and provide the date and time the sorbent was initially introduced to the incineration air pollution control equipment, and provide all supporting documentation.
 - b. For the December 11, 2019 incineration activity, provide the incinerator charge rate and contraband feed type, and provide all supporting documentation.
 - c. During the inspection, TIM facility personnel pointed out to Inspector Rogers several locations where the equipment experienced "previous storm damage." For each location of storm damage, provide the following information:
 - i) State the specific nature of any storm damage;
 - ii) State the location of any storm damage and provide equipment diagrams and photographs (if available) showing the location of any of the storm damage;
 - iii) State the date(s) that TIM first observed any of the storm damage;
 - iv) State the date(s) that TIM 1) initiated and 2) completed each of the repairs of any storm damage;
 - v) Provide all documentation related to the repairs of any of the storm damage including, but not limited to, purchase orders or maintenance orders; and
 - vi) If any storm damage has not been repaired, provide the rationale why repair of the storm damage was not required for proper operation of the incinerator (e.g., cosmetic only.).

- d. Provide the secondary combustion chamber (afterburner) temperature records for the duration of the incineration activity (from startup period to shutdown, as defined in 40 C.F.R. § 60.2977) conducted on December 11, 2019 as required by Section 3, Condition 52.c and Attachment 4, Section V.C of the Pima County DEQ Class I Permit issued on March 26, 2018.
8. Pima County DEQ issued TIM a Notice of violation ("NOV") dated July 22, 2020.
- a. Provide the comprehensive maintenance schedule of the Other Solid Waste Incinerator ("OSWI") during the operation of equipment and during downtime.
 - b. Provide the maintenance and inspection records as specified in the procedures listed in page 6, Section E of the January 2018 OSWI Operation and Maintenance Plan (see alleged violation 2 requested corrective action in the July 22, 2020 NOV).
 - b. Provide the most recent OSWI Operation and Maintenance Plan.
9. For September 9-10, 2020 emissions testing, conducted by Bison Engineering Inc., provide the following OSWI parametric data for those days: 1) incinerator charge rate (reported in pounds per hour), 2) contraband feed type, and 3) sorbent feed rate (reported in pounds per hour).
10. Provide the operating parameter data, as specified in EPA's letter dated September 27, 2016, for TIM's most recent incineration activity, including: 1) incinerator charge rate, 2) incinerator secondary combustion chamber temperature data, 3) sorbent feed rate, 4) carbon monoxide and oxygen CEMS data and 5) contraband feed type
11. Provide a schedule of anticipated incineration events from the date of this letter through December 31, 2021. If anticipated incineration is not scheduled that far in advance, state how far in advance anticipated incineration events are scheduled.
12. Provide the most recent contraband incineration contracts or agreements with u.S. Drug Enforcement Administration and U. S. Customs and Border Patrol.